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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM DEMOCRACY AND DEVELOPMENT

Establishment of a human rights verification mission in Guatemala

Report of the Secretary-General

I. INTRODUCTION

1. In January 1994, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) agreed, under my auspices, to resume negotiations to put an end to the longest conflict in Latin America. The United Nations involvement in efforts to resolve the armed confrontation in Guatemala dates back to 1990, when my predecessor was requested to appoint an Observer to participate in a peace dialogue between the National Reconciliation Commission of Guatemala and the URNG. Direct talks between the Government and the URNG, which began later, in April 1991, were suspended in May 1993.

2. When the peace talks resumed, the parties agreed on a new format for the negotiations, which is contained in the Framework Agreement signed on 10 January 1994 (A/49/61-S/1994/53, annex). It provided, inter alia, for the negotiations to be moderated by the United Nations and for all agreements reached by the parties to be verified by the United Nations. In an arrangement unique to the Guatemalan peace process, it provided also for the establishment of an Assembly of Civil Society, under a Chairman to be appointed by the Episcopal Conference of Guatemala, to facilitate the negotiations by promoting consensus among sectors of civil society on several key items on the negotiating agenda.

3. With the signing of the Framework Agreement, the Guatemalan peace talks entered a new phase. The Assembly of Civil Society was established in May 1994 under the chairmanship of Bishop Rodolfo Quezada Toruño and in the same month

submitted its recommendations to the parties on the resettlement of people uprooted by the armed confrontation. Negotiations between the Government of Guatemala and the URNG went on uninterruptedly for most of the last six months, with the valuable support of the group of friends of the Guatemalan peace process composed of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela. To date, those negotiations have resulted in the conclusion of four agreements: the Comprehensive Agreement on Human Rights and the Agreement on a Timetable for the Negotiation of a Firm and Lasting Peace in Guatemala, signed on 29 March 1994 (A/48/928-S/1994/448, annexes I and II, respectively); the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed on 17 June 1994, and the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer, signed on 23 June 1994 (A/48/954-S/1994/751, annexes I and II, respectively). In that connection, I should like to commend the valuable contribution made to the negotiations made by the United Nations Moderator, Mr. Jean Arnault.

4. In addition to the agreements already signed, the negotiating agenda provides for the conclusion of agreements on identity and rights of indigenous peoples, socio-economic aspects and agrarian situation, strengthening of civilian power and role of the army in a democratic society, basis for the reintegration of the URNG in the political life of Guatemala, definitive cease-fire, constitutional reforms and electoral regime, and schedule for the implementation, enforcement and verification of the agreements (see A/48/928-S/1994/448, annex II).

5. All the agreements mentioned in paragraphs 3 and 4 will be included in the Agreement for a Firm and Lasting Peace, the signature of which will mark the conclusion of the negotiating process. All of them will also be verified by the United Nations, assuming that the Organization responds positively to the request the parties have already agreed to make for such verification (para. 2 above). I have already, in my letter of 17 January 1994 to the Presidents of the General Assembly and the Security Council (A/49/61-S/1994/53), indicated my intention to recommend that the United Nations should agree to the parties' request in this regard.

6. The conclusion of the Comprehensive Agreement on Human Rights makes it necessary for the General Assembly now to address this question. This is because, as reported in my letter of 8 April 1994 to the Presidents of the General Assembly and the Security Council (A/48/928-S/1994/448), the parties have in their Agreement requested the United Nations to establish at the earliest opportunity a mission to verify human rights, without waiting for signature of the Agreement for a Firm and Lasting Peace. The purpose of the present report is accordingly to recommend that the General Assembly decide now to authorize the establishment of a United Nations Human Rights Verification Mission in Guatemala (MINUGUA). After the signature of the Agreement for a Firm and Lasting Peace, I shall make recommendations for the verification of other agreements contained in it.

II. PRELIMINARY MISSION TO GUATEMALA

7. I stated in my letter of 8 April 1994 that, in order to be able to assess the requirements for a human rights verification mission, I had decided to send a preliminary mission to Guatemala and would subsequently present its findings, together with my recommendations. In accordance with that decision, a preliminary mission, composed of United Nations officials and expert advisers (see list in annex I), travelled to Guatemala and Mexico in April-May 1994.

8. The preliminary mission met with representatives of the Government of Guatemala during its stay in Guatemala from 25 April to 7 May 1994, and with the URNG from 24 to 27 April 1994 at Mexico City. Members of the mission were received twice by the President of the Republic of Guatemala, Mr. Ramiro de León Carpio. They also met with a wide and representative range of the three branches of Government, including the President of Congress, the President and members of the Constitutional Court, the President and members of the Supreme Court of Justice, the Ministers of Foreign Affairs, Interior, National Defence and Public Finance, members of the Peace Commission, the Secretary-General of Planning and the Director of the National Police.

9. The preliminary mission also engaged in extensive discussions with the President of the Congressional Human Rights Committee, the Counsel for Human Rights, the Presidential Human Rights Committee, the Archdiocesan Human Rights Office and numerous non-governmental organizations involved in the protection of human rights. It also met with various sectors of society, including churches, business and labour organizations, the media, organizations representing indigenous communities and representatives of refugee and displaced populations. In addition, views were exchanged with representatives of the United Nations system and the diplomatic corps in Guatemala.

10. Members of the mission visited the Departments of Huehuetenango, El Quiché and Sololá with a view to obtaining information regarding field conditions and requirements for the possible establishment of regional offices.

III. THE COMPREHENSIVE AGREEMENT ON HUMAN RIGHTS AND INTERNATIONAL VERIFICATION

11. The outcome of over two years of negotiations, the Comprehensive Agreement on Human Rights (hereinafter referred to as "the Agreement") contains a wide range of commitments relating to human rights, in particular a general commitment regarding human rights (art. I), which applies to the comprehensive range of human rights recognized in the Guatemalan legal order, including international treaties, conventions and other international instruments to which Guatemala is a party, and a commitment to observe human rights during the internal armed confrontation (art. IX), which refers to the rights of the wounded and captured and the commitment to prevent suffering by the civilian population. The Agreement also includes detailed suggestions regarding modalities for international verification by the United Nations (art. X). The preliminary mission assessed the requirements for the verification of the commitments contained in the Agreement in the light of the human rights

situation prevailing in Guatemala and taking into account the activities of existing Guatemalan institutions responsible for the protection of human rights.

12. As part of the provisions on international verification, the parties considered it an important role of the verification mission that it should be instrumental in strengthening permanent mechanisms and other entities working for the protection of human rights, inter alia, through technical support and the promotion of international cooperation with those entities. In that context, the preliminary mission assessed the needs and priorities of national institutions. The main findings of the preliminary mission with regard to international verification are described in paragraphs 13 to 23 below.

Verification of the general commitment regarding human rights

13. As mentioned above, article X of the Agreement contains detailed provisions on international verification. It outlines, in particular, the functions (art. X, para. 5) and powers (art. X, para. 10) of the verification mission. The latter include establishing itself and moving freely throughout the national territory; interviewing any person or group of persons freely and privately for the proper performance of the mission's functions; visiting government offices and URNG encampments freely and without prior notice when deemed necessary for the performance of the mission's functions; and collecting whatever information may be relevant for the implementation of the mission's mandate. Article X also provides for the establishment of bilateral forums for dialogue between the verification mission and each party in order to discuss the mission's recommendations to the parties and to facilitate their implementation. The preliminary mission confirmed that the functions, powers and other characteristics described in the Agreement were adequate for the purpose of verifying the parties' compliance with their undertakings.

14. It also recommended that various functions of the verification process (receipt, classification and follow-up of complaints, as well as the determination whether or not violations of human rights occurred) be fulfilled in coordination with the Counsel for Human Rights, taking into account the possibility of joint activities between the verification mission and the Counsel. The preliminary mission also underscored the important role of national non-governmental organizations in the protection of human rights in Guatemala and advised that the verification mission should maintain a close relationship with them.

15. Among other functions, the Agreement provides that the verification mission will ascertain that the competent national institutions are carrying out the necessary investigations "autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights". To that effect, the preliminary mission recommended that specific cooperation agreements be worked out with each of the relevant institutions.

Verification of human rights during the internal armed confrontation

16. As mentioned in paragraph 6 above, the parties requested that international verification of the Agreement should begin without waiting for the signing of a

final peace agreement. In that context, article IX of the Agreement provides that until such time as a final peace agreement is signed, which would include a cease-fire, the parties recognize the need to put a stop to the suffering of the civilian population and to respect the human rights of those wounded or captured and those who have remained out of combat. During consultations, both parties reiterated to the preliminary mission their commitment to the protection of the human rights of combatants.

17. At the same time, the preliminary mission deemed it necessary that the verification mission's work should be based on a clear understanding by the parties on the scope of their commitment regarding suffering by the civilian population. To that effect, the preliminary mission reminded the parties that that commitment should include prohibition of the following acts:

(a) Attempts against life and personal integrity, especially homicide in any form, mutilations, torture or cruel, inhuman or degrading treatment;

(b) The taking of hostages;

(c) Attacks on civilian property;

(d) Summary justice;

(e) Acts of terrorism;

(f) Attacks on property essential to the survival of the civilian population (food, agricultural areas, irrigation works, etc.);

(g) Forced displacement of the population.

Verification of other commitments relating to human rights

18. The Agreement contains other commitments, which can be divided into two categories: the first category covers commitments relating to the strengthening of the system for the protection of human rights in Guatemala. These include the strengthening of institutions such as the Counsel for Human Rights, the judiciary and the Public Prosecutor's Office (art. II); the protection of individuals and entities working for the protection of human rights (art. VII); the prosecution of persons responsible for human rights violations (art. III); and compensation to the victims of human rights abuses (art. VIII). The second category covers commitments relating to security forces and the bearing of arms (art. IV), military conscription (art. VI) and the voluntary nature of paramilitary forces known as volunteer civil defence committees, as well as the behaviour of their members (art. V). The preliminary mission collected useful information on these undertakings and stressed the magnitude and complexity of the verification tasks relating to them. Specific verification procedures would have to be worked out once a mission was established. In that context, it should be noted that some of the commitments contained in the Agreement may be modified in the context of other agreements reached in the course of the peace process. As an example, on 30 June 1994 the President of Guatemala announced that the end of the armed confrontation would imply the end of the volunteer civil defence committees.

Cooperation and assistance to strengthen national institutions for the protection of human rights

19. As mentioned in the previous paragraph, the Agreement contains a commitment to strengthen national institutions relating to the protection of human rights. In addition, as mentioned in paragraph 12, the parties considered that international verification itself should serve to bolster domestic mechanisms for the protection of human rights, and article X of the Agreement empowers the verification mission to support and cooperate with Guatemalan institutions and entities relating to human rights.

20. The preliminary mission agreed that institution-building should indeed be an important aspect of international verification. To that end, it identified several national institutions and entities that should be given priority in the allocation of cooperation programmes in view of their activities' direct bearing on the protection of human rights. These are: (a) the Counsel for Human Rights; (b) the Public Prosecutor's Office; (c) the judiciary and its auxiliary organs; (d) the National Police; and (e) non-governmental organizations.

21. In that context, the preliminary mission prepared a series of project profiles to be developed and promoted by the verification mission. Resource mobilization, particularly non-refundable contributions, in favour of domestic institutions would be a component of the mission's activities. The verification mission should coordinate efforts within the United Nations system to obtain international financing for specific projects and could rely on the techniques of project management already available within the United Nations system.

22. Further, in order to ensure proper coordination of international cooperation in the field of human rights, the preliminary mission recommended the creation of a consultation mechanism with representatives of bilateral and multilateral donors. It would help to streamline international cooperation and to avoid duplication of efforts.

23. While acknowledging the role of international cooperation, the preliminary mission also pointed out that the success of institution-building programmes would not depend solely on external cooperation, but also on the capacity of national institutions and agencies to absorb cooperation resources efficiently and on the availability of domestic resources, which should be budgeted for that purpose.

IV. SECURITY CONDITIONS

24. Under the Agreement, the verification mission would begin its functions in Guatemala prior to the end of the armed confrontation, a situation that could potentially hamper the functioning of the mission and jeopardize the safety of its personnel. The preliminary mission paid close attention to that issue. It took note of the limited scope of hostilities and of the two parties' strong commitment to creating security conditions that would permit the proper functioning of a verification mission. In that context, notwithstanding the risks, the preliminary mission concluded that conditions existed for the verification mission to begin its activities.

25. The preliminary mission considered it essential, however, that adequate security arrangements should be worked out and agreed on. In that respect it took note of the contents of the Agreement itself, which provides (a) that since the verification mission is to begin its functions prior to the end of the armed confrontation, and thus while military operations continue, the mission will make the necessary security arrangements; and (b) that the parties pledge to see to the safety of members of the mission. Such arrangements should take particular account of the security of air operations and overland travel by members of the mission in the areas where hostilities occur. The preliminary mission recommended that the verification mission should include military liaison officers who, where appropriate, would assist in designing and implementing such arrangements.

26. In addition, the Office of the United Nations Security Coordinator has made recommendations regarding specific measures to be taken by the mission for the safety of its personnel in coordination with the United Nations system in Guatemala.

V. CONCLUSIONS OF THE PRELIMINARY MISSION

27. Based on its findings, the preliminary mission reached the following conclusions:

(a) Notwithstanding the positive efforts made by the present Government, the human rights situation in Guatemala remains very troubling. More than 30 years of armed confrontation, the extreme poverty of a vast sector of the population, the long-standing marginalization of the indigenous population and the weakness of State institutions, especially those responsible for the administration of justice and for the National Police, are all structural elements that limit the adequate protection of human rights;

(b) Human rights verification must, therefore, be set in the context of wider efforts to end the armed conflict and promote the rule of law, in particular the current negotiating process between the Government of Guatemala and the URNG, which provides a historic opportunity to settle the armed confrontation by political means and strengthen the democratic process;

(c) In that context, the preliminary mission believed that the United Nations and the international community as a whole should give the parties and Guatemalan society at large the support they need in order to persevere in their effort to attain peace and promote the rule of law and a democratic culture, as the most appropriate instruments for fostering peace and respect for human rights;

(d) In particular, the preliminary mission stressed that the deployment of a mission to verify implementation of the Comprehensive Agreement on Human Rights would make a decisive contribution to efforts by state authorities and society at large to improve the human rights situation;

(e) This positive assessment of the impact of an international verification mission is fully shared by the Government and the URNG, who are

eager to see such a mission established as soon as possible and are prepared to grant the United Nations full cooperation;

(f) This view is also widespread among representative sectors of Guatemalan society, who have great expectations regarding international verification by the United Nations and stressed the need for the earliest deployment of the mission;

(g) The preliminary mission emphasized the value of the institution-building approach outlined in the Agreement and the need to promote further international cooperation in that area. The mission also considered that public information activities and human rights education in cooperation with national institutions should be given priority;

(h) The preliminary mission took note of several complex issues that would require attention in order to ensure the success of a verification mission. These include:

(i) The population of Guatemala, a multicultural and multi-ethnic society, is largely indigenous. It would be necessary to establish guidelines and methods that are culturally appropriate for verification in indigenous communities;

(ii) The proper conduct of verification activities coupled with institution-building would also require appropriate guidelines in order to ensure that the mission and its personnel are able to work consistently and efficiently from the outset. A handbook on methods for the verification of human rights in Guatemala and a set of guidelines for international observers should be prepared;

(iii) Taking into account the request that deployment of the mission should take place prior to the signing of the final peace agreement, appropriate security arrangements should also be made;

(i) In view of the foregoing, the preliminary mission concluded that the activities outlined in (h), (i), (ii) and (iii) above should be undertaken on a priority basis as soon as the mission is established.

VI. DEPLOYMENT AND STRUCTURE OF THE VERIFICATION MISSION

28. In making recommendations on the mission's deployment and structure, the preliminary mission based itself on the specific provisions contained in the Agreement and the valuable experience obtained in other United Nations verification missions. Regarding deployment, article X of the Agreement provides that the mission will be empowered to establish itself throughout the national territory and that in the performance of its activities the mission shall take into account the situation of the most vulnerable groups of society and the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

29. In that context, the preliminary mission was of the view that the success of a verification mission would depend to a large extent on its adequate deployment in the country since topography, distances and the inadequate road system make travel difficult in many areas of Guatemala. Based on considerations of nationwide coverage, access from and to regional offices, statistics on complaints of human rights violations and the location of the most vulnerable groups and the population directly affected by the armed confrontation, the preliminary mission proposed that the mission should have its headquarters in Guatemala City and regional offices in the following eight towns: Guatemala City, Quetzaltenango, Sololá, Huehuetenango, Santa Cruz del Quiché, Cobán, Zacapa and Flores/Santa Elena. Given the difficulty of access to certain areas, it also proposed that subregional offices should be established in Jutiapa, San Marcos, Barillas, Nebaj and Cantabal (see map in annex II).

30. In view of prevailing security conditions and logistical difficulties, it would be essential to equip the mission with a reliable communications system and adequate resources for land and air transport.

31. Regarding the structure of the mission, the preliminary mission took into account article X of the Agreement, which requests that the human rights verification mission shall be headed by a Director, appointed by the Secretary-General of the United Nations, assisted by such international and national officials and experts in various specialities as may be needed to achieve its aims. Based on the above, and the characteristics of human rights verification in Guatemala, the mission's structure would be as follows:

(a) Office of the Director of the Mission (Guatemala City). The Director's responsibilities would include overall direction of all verification tasks required under the Agreement, institution-building programmes and human rights education and promotion. The Director would have a Principal Adviser on Human Rights, a Legal Adviser and Advisers on Military, Police and Indigenous Issues. The Director would be assisted by a Deputy Director, who would be responsible for coordinating the various regional offices and supervising specific areas to be determined. The Office would include units dealing with documentation, analysis, and human rights promotion and education;

(b) Verification Branch (Guatemala City). The Office would establish procedures and methods for verification and would evaluate the findings of regional offices;

(c) Institution-building Branch (Guatemala City). Responsible for institution-building projects, it would include a team of legal and police observers who would liaise with their national counterparts;

(d) Technical Assistance/Cooperation Branch (Guatemala City). Responsible for the development of projects from a management standpoint in the evaluation of technical and financial requirements, and liaising with the United Nations system, as mentioned in paragraph 21;

(e) Office of Public Information (Guatemala City). Responsible for the mission's information policies, relations with the media and coordination of campaigns to disseminate information on human rights;

(f) Administration Division (Guatemala City);

(g) Regional offices. Each regional office would include a Regional Coordinator and a Political Affairs Officer and between one and three verification teams. Each team would comprise a legal officer, three human rights observers and three police observers. Those offices situated in areas where hostilities occur would also have assigned to them a military liaison officer. Subregional offices would be staffed by one verification team.

32. Tentative projections based on the preliminary mission's recommendations estimate that 220 international staff members would be required to carry out the above-mentioned tasks. In addition, it is estimated that some 60 civilian police and 10 military liaison officers would be required.

VII. OBSERVATIONS

33. In my last report on the situation in Central America (A/48/586 of 11 November 1993), I noted that the United Nations had been assisting the peace process in Central America for a decade. Three principal organs of the Organization have been involved and remain involved in that process. Since 1989, two important verification missions have been carried out successfully under the authority of the Security Council, namely, the United Nations Observer Group in Central America (ONUCA) (November 1989-January 1992) and the United Nations Observer Mission in El Salvador (ONUSAL) (since July 1991). In support of efforts by the peoples of Central America themselves, those missions have made a significant contribution towards the goals that have been consistently reaffirmed in the course of the Esquipulas process, namely, the establishment of a firm and lasting peace throughout Central America and progress towards a region of peace, freedom, democracy and development.

34. In that context, and convinced of the importance of assisting in the settlement of the armed confrontation in Guatemala, the last step required to conclude Central America's quest for peace, I informed Member States in my letter of 17 January 1994 (A/49/61-S/1994/53) that if, as I hoped, the negotiations succeeded in producing an agreed settlement, I would recommend that the United Nations should agree to the request contained in the Framework Agreement of 10 January and verify implementation of the agreements.

35. Six months later, four agreements have been signed. Some of them deal with very sensitive issues that have affected the people of Guatemala over the past three decades. Together, they reflect the commitment of the Government of Guatemala and the URNG to comply with their ambitious negotiating agenda. They have also justifiably strengthened confidence in the peace negotiations as an effective way to end a conflict of more than three decades, to strengthen the democratic process and to promote changes that will prevent a recurrence of political violence and can be the basis for a lasting peace.

36. While verification of the Comprehensive Agreement on Human Rights prior to the signing of the final peace agreement will be a complex endeavour, I believe that the establishment now of a United Nations human rights verification mission in Guatemala should receive the full support of Member States. As noted by the

preliminary mission, immediate human rights verification can make a decisive contribution to ongoing efforts in Guatemala to put an end to a persisting pattern of human rights abuses. The establishment of the United Nations mission would also bolster the peace process by promoting full compliance by the parties with the Agreement on Human Rights; it would further strengthen the confidence of the parties and the Guatemalan people as a whole in the agreements reached at the negotiating table, and consolidate the prospect for an early end to the conflict, as pledged by the parties.

37. Thanks to the extensive experience gained by the United Nations in recent years in the area of human rights verification, the Organization is in a unique position to meet this challenge successfully. I am also encouraged by the response of the international community to recent advances in the Guatemalan peace process. At a meeting held in June 1994 under the auspices of the World Bank, participating donor countries expressed their support for the peace process and their readiness to coordinate at this early stage their efforts to facilitate the financing of the implementation of the agreements. I take this opportunity to thank the World Bank and the Inter-American Development Bank for their role in this effort to ensure a coordinated approach by the international community to the requirements of the Guatemalan peace process. Close cooperation between the United Nations system, the friends of the Guatemalan peace process, donor countries and the international community as a whole to provide diplomatic, political and financial support to the Guatemalan peace process is essential to its success, and constitutes a strong encouragement to the parties and to Guatemalan society as a whole to persevere in their quest for a lasting peace.

38. In view of the fact that the agreements that the United Nations will in due course be called upon to verify will include agreements on military matters, it had been my intention to address to the Security Council a recommendation that it take decisions now to establish a multidisciplinary United Nations mission in Guatemala and to deploy the human rights division of that mission immediately, in advance of its other components. This would have followed established United Nations practice in similar circumstances and would thus ensure that verification of the Agreement on Human Rights would begin as expeditiously as possible. However, I have received strong representations from some of the Member States who constitute the friends of the Guatemalan peace process to the effect that, as international verification will, in its initial phase, be concerned only with human rights, its establishment is a matter for the General Assembly rather than the Security Council. I have also been informed by the Government of Guatemala that, although it wishes the mission to be approved rapidly, it cannot for that reason favour a matter related to a specific mechanism for human rights being submitted to the Security Council.

39. In these circumstances, I recommend that the General Assembly authorize now the establishment for an initial period of six months of a United Nations Human Rights Verification Mission in Guatemala (MINUGUA) in accordance with the proposals in the present report. 1/ In due course, after the signing of the Agreement on a Firm and Lasting Peace, I will make recommendations regarding verification of all commitments contained in it. I will keep the Member States informed of further progress in the Guatemalan peace process. Meanwhile I call on the international community to extend financial support on a voluntary basis

for institution-building and cooperation projects in the area of human rights that could be implemented with the participation of United Nations agencies and programmes, by the human rights verification mission whose establishment is recommended in the present report.

Notes

1/ In order for the General Assembly to consider this matter, it will be necessary to reopen item 40 of the agenda of the forty-eighth session.

ANNEX I

Preliminary mission to Guatemala (24 April-7 May 1994)

Mr. Leonardo Franco, Director of Mission	Director, International Protection Division, Office of the United Nations High Commissioner for Refugees
Mr. Manuel Rodríguez Cuadros	Principal Adviser, Human Rights Division, United Nations Observer Mission in El Salvador
Mr. Miguel de la Lama	Centre for Human Rights, United Nations, Geneva
Mr. Freddy Justiniano	Principal Adviser, United Nations Development Programme (El Salvador)
Ms. Denise Cook	Political Affairs Officer, Department of Peace-keeping Operations, United Nations
Major Joseph Napoli	Military Adviser, Department of Peace-keeping Operations, United Nations

Expert advisers

Mr. Yvon Le Bot	Director, Latin American Research Unit, National Centre for Scientific Research, Paris
Mr. Reed Brody	Executive Director, International Human Rights Law Group, Washington, D.C.
Mr. Jorge Obando	Chief, Judicial Reform Project, Agency for International Development, El Salvador
Mr. Serge Antony	Chief Superintendent, International Technical Cooperation Service, French Police

ANNEX II

Map No. 2839 UNITED NATIONS
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Forty-eighth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL SUB-ITEM IN THE AGENDA OF THE FORTY-EIGHTH SESSION

SPECIAL PROGRAMMES OF ECONOMIC ASSISTANCE: EMERGENCY ASSISTANCE TO THE REPUBLIC OF MOLDOVA

Letter dated 1 September 1994 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the President of the General Assembly

Upon instructions from my Government, I have the honour to request, in accordance with article 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-eighth session of the General Assembly of an additional sub-item entitled "Emergency assistance to the Republic of Moldova", under agenda item 100, entitled "Special programmes of economic assistance".

Please find attached the letter addressed to His Excellency Boutros Boutros-Ghali by His Excellency Mircea Snegur, the President of the Republic of Moldova. The letter contains the reasons which forced our Government to request the emergency assistance of the international organizations, including the United Nations, and is submitted in accordance with rule 20 of the rules of procedure of the General Assembly, as an explanatory memorandum (see annex).

Let me also note that the damage caused by the drought, hurricane and floods is now estimated at 600 million United States dollars.

Several dozen people were killed and tens of thousands left homeless. The hurricane and floods destroyed part of what remained of Moldova's crops after a prolonged summer drought which was one of the worst in living memory. Moldova will again be forced to import grain and other products to feed its citizens. The economic damage may reverse our country's recent progress towards balancing its budget and derail the Government's reform programmes.

Excellency, your attention and kind assistance in this matter will be highly appreciated.

(Signed) Tudor PANTIRU
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative of the
Republic of Moldova to the
United Nations

ANNEX

Explanatory memorandum

Letter dated 1 September 1994 from the President of the Republic of Moldova to the Secretary-General

The Republic of Moldova has recently celebrated the third anniversary of its independence. During this period of time, the social, political and economic life of our country has been characterized by many important transformations in our society's movement towards democracy and a market economy, and the creation of the State based on the principles of law and integration in the international community.

We can affirm that a certain success, making this process irreversible, has been achieved. This year the first democratic parliamentary elections have taken place and the new Constitution of the Republic of Moldova has been adopted.

Although we should state that, regrettably, not everything depends on the will and desire of the Government and the citizens of the country. Thus, the national economy has been extremely affected by the consequences of a disastrous drought - the most severe one during the last seventy years. The losses are enormous and practically irreparable.

The situation has been extremely aggravated, owing to the recent natural calamities. On 11 and 12 August, the central and north regions of the republic suffered seriously from a hurricane, accompanied by rains with hail. As a result of the calamities, 10,600 houses, 35 schools and preschool institutions, as well as 80 medical institutions have deteriorated, and 55 kilometres of electric power lines and 40 kilometres of telephone lines, 30,000 hectares of sown area and 5,000 hectares of gardens, etc. have been destroyed. There are dead and wounded.

During the night of 26 August 1994, heavy showers, with disastrous consequences, fell on practically the whole territory of the country. Floods have taken away lives of nearly 50 persons. Approximately 1,700 private houses, 200 schools, as well as hospitals and economic infrastructure have been destroyed. Losses are estimated at approximately 300 mln lei (US$ 75 million).

The day of 28 August 1994 was declared a day of mourning for the whole territory of Moldova.

Highly appreciating the great attention that the United Nations Organization accords to our country, and on behalf of the Government of the Republic of Moldova, I address to you the request to find the means of rendering urgent humanitarian assistance to the victims of the natural calamities. First of all, we need grain, flour, medicine, clothes and construction materials.

Hoping that our appeal will be heard, I ask you to accept, Excellency, the assurances of my highest consideration.

Mircea SNEGUR

APPENDIX

Draft resolution

Emergency assistance to the Republic of Moldova

The General Assembly,

Deeply concerned about the extensive damage and devastation caused by the severe drought, followed by a hurricane and the unprecedented floods in the Republic of Moldova,

Noting with concern the destruction of thousands of dwellings and the damage to major sectors of the national infrastructure,

Recognizing the efforts of the Government of the Republic of Moldova to provide relief and emergency assistance to the people affected by the flood and hurricane,

Noting that the earnest efforts of the Government of the Republic of Moldova to promote the economic reform programmes will be hampered by these calamities,

1. Declares its solidarity with the Government and people of the Republic of Moldova in their affliction;

2. Commends the efforts of the international community, including the organs and organizations of the United Nations system, to supplement the efforts of the Government of the Republic of Moldova in relief operations and emergency assistance;

3. Requests all States and international organizations to extend, on an urgent basis, further support to the Republic of Moldova to alleviate the economic and financial burden borne by the Moldovan people;

4. Calls upon the Secretary-General, in cooperation with the relevant organs and organizations of the United Nations system and in close cooperation with the Government authorities, to assist in the rehabilitation efforts of the Government of the Republic of Moldova.

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REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-EIGHTH SESSION

EMERGENCY ASSISTANCE TO THE REPUBLIC OF MOLDOVA

Letter dated 1 September 1994 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the President of the General Assembly

Upon instructions from my Government, I have the honour to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-eighth session of the General Assembly of an additional item entitled "Emergency assistance to the Republic of Moldova".

Please find attached the letter addressed to His Excellency Boutros Boutros-Ghali by His Excellency Mircea Snegur, the President of the Republic of Moldova. The letter contains the reasons which forced our Government to request the emergency assistance of the international organizations, including the United Nations, and is submitted in accordance with rule 20 of the rules of procedure of the General Assembly, as an explanatory memorandum (see annex).

Let me also note that the damage caused by the drought, hurricane and floods is now estimated at 600 million United States dollars.

Several dozen people were killed and tens of thousands left homeless. The hurricane and floods destroyed part of what remained of Moldova's crops after a prolonged summer drought which was one of the worst in living memory. Moldova will again be forced to import grain and other products to feed its citizens. The economic damage may reverse our country's recent progress towards balancing its budget and derail the Government's reform programmes.

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* Reissued for technical reasons.

Excellency, your attention and kind assistance in this matter will be highly appreciated.

(Signed) Tudor PANTIRU
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative of the
Republic of Moldova to the
United Nations

ANNEX

Explanatory memorandum

Letter dated 1 September 1994 from the President of the Republic of Moldova to the Secretary-General

The Republic of Moldova has recently celebrated the third anniversary of its independence. During this period of time, the social, political and economic life of our country has been characterized by many important transformations in our society's movement towards democracy and a market economy, and the creation of the State based on the principles of law and integration in the international community.

We can affirm that a certain success, making this process irreversible, has been achieved. This year the first democratic parliamentary elections have taken place and the new Constitution of the Republic of Moldova has been adopted.

Although we should state that, regrettably, not everything depends on the will and desire of the Government and the citizens of the country. Thus, the national economy has been extremely affected by the consequences of a disastrous drought - the most severe one during the last seventy years. The losses are enormous and practically irreparable.

The situation has been extremely aggravated, owing to the recent natural calamities. On 11 and 12 August, the central and north regions of the republic suffered seriously from a hurricane, accompanied by rains with hail. As a result of the calamities, 10,600 houses, 35 schools and preschool institutions, as well as 80 medical institutions have deteriorated, and 55 kilometres of electric power lines and 40 kilometres of telephone lines, 30,000 hectares of sown area and 5,000 hectares of gardens, etc. have been destroyed. There are dead and wounded.

During the night of 26 August 1994, heavy showers, with disastrous consequences, fell on practically the whole territory of the country. Floods have taken away lives of nearly 50 persons. Approximately 1,700 private houses, 200 schools, as well as hospitals and economic infrastructure have been destroyed. Losses are estimated at approximately 300 mln lei (US$ 75 million).

The day of 28 August 1994 was declared a day of mourning for the whole territory of Moldova.

Highly appreciating the great attention that the United Nations Organization accords to our country, and on behalf of the Government of the Republic of Moldova, I address to you the request to find the means of rendering urgent humanitarian assistance to the victims of the natural calamities. First of all, we need grain, flour, medicine, clothes and construction materials.

Hoping that our appeal will be heard, I ask you to accept, Excellency, the assurances of my highest consideration.

Mircea SNEGUR

APPENDIX

Draft resolution

Emergency assistance to the Republic of Moldova

The General Assembly,

Deeply concerned about the extensive damage and devastation caused by the severe drought, followed by a hurricane and the unprecedented floods in the Republic of Moldova,

Noting with concern the destruction of thousands of dwellings and the damage to major sectors of the national infrastructure,

Recognizing the efforts of the Government of the Republic of Moldova to provide relief and emergency assistance to the people affected by the flood and hurricane,

Noting that the earnest efforts of the Government of the Republic of Moldova to promote the economic reform programmes will be hampered by these calamities,

1. Declares its solidarity with the Government and people of the Republic of Moldova in their affliction;

2. Commends the efforts of the international community, including the organs and organizations of the United Nations system, to supplement the efforts of the Government of the Republic of Moldova in relief operations and emergency assistance;

3. Requests all States and international organizations to extend, on an urgent basis, further support to the Republic of Moldova to alleviate the economic and financial burden borne by the Moldovan people;

4. Calls upon the Secretary-General, in cooperation with the relevant organs and organizations of the United Nations system and in close cooperation with the Government authorities, to assist in the rehabilitation efforts of the Government of the Republic of Moldova.

UNITED
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Forty-eighth session
Agenda item 31
THE SITUATION OF DEMOCRACY AND
HUMAN RIGHTS IN HAITI

SECURITY COUNCIL
Forty-ninth year

Letter dated 22 August 1994 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you of the measures taken by my country in accordance with the provisions of Security Council resolution 917 (1994) of 6 May 1994 regarding the question of Haiti. These measures are as follows:

(a) The Central Bank of Nicaragua has instructed all commercial banks and the office of the Bank Examiner to freeze the funds and financial resources of the persons referred to in paragraph 3 of the resolution, in so far as those persons hold accounts with Nicaraguan banks;

(b) The international office of the Central Bank has issued the appropriate instructions to prevent the official processing of any application for import of goods or services originating in Haiti, or the registration of any export to that country, in accordance with paragraph 6, which decides that States shall prevent the import into their territories of all products originating in Haiti and exported therefrom;

(c) The Ministry of Economy and Development and the Ministry of Finance have given the appropriate instructions to their various branches and to the customs service of the Republic to prevent the import of commodities and products originating in Haiti, or the export to that country of products originating in Nicaragua or elsewhere, in accordance with the terms of the resolution;

(d) Through its Consular Service, the Ministry of Foreign Affairs has instructed all Nicaraguan consulates, pursuant to paragraph 3 of the resolution, to deny any visa application (transit, tourist, etc.) in order to prevent the entry into the country:

(i) Of all officers of the Haitian military, including the police, and their immediate families;

(ii) Of the major participants in the coup d'état of 1991 and in the illegal governments since the coup d'état, and their immediate families;

(iii) Of those employed by or acting on behalf of the Haitian military, and their immediate families.

The appropriate lists, as prepared by the United Nations, were used for this purpose.

Regarding the entry of the Haitian nationals mentioned in the preceding paragraphs, the Ministry of the Interior has given the appropriate instructions to the Office of Migrants and Resident Aliens;

(e) The Ministry of Construction and Transport has instructed the Office of Marine Transport and the Office of Civil Aviation to comply strictly, within their respective areas of competence, with resolution 917 (1994), particularly the provisions of paragraph 2 concerning the denial of permission for takeoff, landing or overflight to any aircraft if it is destined to land in, or has taken off from, the territory of Haiti; and also to comply with the other provisions affecting international transport;

(f) All the aforementioned offices of the Nicaraguan State have been sent copies of Security Council resolution 917 (1994); the exceptions permitted by the resolution, and the procedures required for applying such exceptions, have been drawn to the attention of the appropriate departments.

I should be grateful if you could arrange to have this letter circulated as an official document of the General Assembly under agenda item 31, and of the Security Council.

(Signed) Erich VILCHEZ ASHER
Ambassador
Permanent Representative

UNITED NATIONS

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GENERAL ASSEMBLY
Forty-eighth session
Agenda item 42
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-ninth year

Letter dated 7 September 1994 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

We have been informed that the visit of His Holiness, Pope John Paul II, to Sarajevo has been postponed for security reasons. The Government of the Republic of Bosnia and Herzegovina reaffirms its readiness to guarantee the safety of His Holiness during his visit to Sarajevo and all other regions under the control of the Government of the Republic of Bosnia and Herzegovina. President Alija Izetbegovic would have accompanied His Holiness from his first steps at Butmir Airport as well as at all times during the visit to Sarajevo. This commitment is unwavering.

On the other hand, the threats of the Karadzic forces directed at His Holiness have been given legitimacy by the United Nations Protection Force (UNPROFOR) in openly discouraging this most noble and beneficial of planned visits to Sarajevo. We are dismayed that these threats have taken precedence both over our Government's, and our President's personal, commitment to the safety of His Holiness and over the will of UNPROFOR to promote the interests of peace in the country. UNPROFOR's willingness to capitulate to Karadzic's claim that he could not guarantee the safety to His Holiness only further encourages Serbian defiance to all rules and principles of international law.

A visit by His Holiness to the battered and besieged capital of the Republic of Bosnia and Herzegovina would have great significance not only to the Catholic community of the Republic of Bosnia and Herzegovina, but to all peoples of the Republic of Bosnia and Herzegovina, as His Holiness is a symbol of tolerance, coexistence and tranquillity for all peace-loving peoples throughout the world.

It seems that in the Republic of Bosnia and Herzegovina there are two classes of visitors: those who are allowed to come by the Karadzic Serbs and those who are not welcome by the Karadzic Serbs. This unfortunately appears to be increasingly the only criteria employed by UNPROFOR in its decision-making process, even when applied to universal men of peace. We request you urgently to review this situation and its inevitable consequences.

May I ask for your kind assistance in circulating this letter as a document of the forty-eighth session of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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Agenda item 31
THE SITUATION OF DEMOCRACY AND
HUMAN RIGHTS IN HAITI

SECURITY COUNCIL
Forty-ninth year

Letter dated 13 September 1994 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement made by Colonel Muammar Qaddafi, Leader of the great 1 September Revolution, concerning the situation in Haiti. I should be grateful if you would have it circulated as a document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

Statement dated 13 September 1994 by the Leader of the Revolution

If there is an invasion of the independent Republic of Haiti, a State Member of the United Nations, then it becomes an international obligation for the community of nations to act.

If the world fails to act now, it means that the campaign launched by 30 States to regain Kuwait is futile and the so-called United Nations, its Charter and its actions are also futile because of the contradiction which could only be resolved by dissolving the United Nations practically and morally.

If the invasion takes place, then it will have no value except to reaffirm what we have said before regarding the United States of America, its tyranny and its threat to mankind. It will also reaffirm that the United States is a State without conscience and morals: it is afraid but never ashamed. If the invasion takes place, it will herald the transformation of the world into a jungle where big animals mercilessly kill smaller ones.

In that case, the smaller animals will have no option but to rally together in the largest possible group for protection. As for the States which support this invasion and cooperate in it, they are cowards and degenerates.

If the United Kingdom is proved to have agreed to or participated in this invasion, then it provides further evidence of what we announced before, namely, that the so-called Western civilization and Christian civilization have collapsed and become a mere lie and farce.

I implore the President of the United States not to become an officer implementing the standing orders issued by Reagan and Bush. The resignation of a Democratic President is a million times better than his survival amid the corpses and skeletons of the innocent peoples of small nations, which are sacrificed whenever a United States President feels that his situation in his country has become untenable.

I also implore the Pope to salvage what can be salvaged from the remnants of the collapsing edifice of Christianity.

The invasion of Haiti does not have a single word in its support in the United Nations Charter, international law or moral principles. It would also constitute a grave precedent, as any State subject to mass immigration would find it necessary to occupy the State from which it came, and this occupation would then have to be supported by the United Nations.

It is requested that this statement be recorded in the documents of the United Nations for reference in similar cases that may arise in the future.

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Agenda items 8 and 12

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 15 September 1994 from the President of the Economic and Social Council addressed to the President of the General Assembly

I wish to bring to the attention of the General Assembly for its early consideration 1/ a decision of the Economic and Social Council.

During its annual session held in Geneva from 8 to 16 June 1994, the Executive Board of the United Nations Development Programme (UNDP) and of the United Nations Population Fund (UNFPA) adopted the attached decision 94/12 on the Office for Project Services.

In paragraph 5 of decision 94/12, the Executive Board "recommends to the General Assembly that, instead of the merger proposed in Governing Council decision 93/42 of 18 June 1993, the Office for Project Services should become a separate and identifiable entity in a form that does not create a new agency and in partnership with the United Nations Development Programme and other operational entities, whose administrative support, including that relating to financial and personnel matters, will continue to be provided by UNDP and that the Office should continue to work through the UNDP field network".

In its decision 94/284, adopted on 26 July 1994, the Economic and Social Council decided to recommend that the General Assembly approve the recommendation contained in decision 94/12 on the Office for Project Services.

Subject to the approval of the General Assembly of the recommendation contained in paragraph 5 of decision 94/12, a report prepared in accordance with paragraph 10 of decision 94/12 will be considered by the Advisory Committee on Administrative and Budgetary Questions on 26 and 27 September 1994 and

subsequently by the Executive Board of UNDP/UNFPA at its third regular session from 6 to 10 October 1994.

(Signed) Richard BUTLER, AM

Notes

1/ In order for the General Assembly to consider this matter, it will be necessary to reopen item 12 of the agenda of the forty-eighth session.

ANNEX

Decision 94/12. Office for Project Services

The Executive Board

1. Takes note of the Secretary-General's intention to strengthen the coordinating and central funding roles of the United Nations Development Programme in accordance with General Assembly resolution 47/199, and other relevant resolutions and to ensure that the Office for Project Services will undertake implementation rather than funding activities;

2. Recognizes the need for a self-financing Office for Project Services, which should become a separate and identifiable entity, without the establishment of a separate administrative apparatus;

3. Stresses the importance of OPS continuing to operate within the United Nations development system and not becoming a new agency;

4. Underlines the need to enhance further the role of the Executive Board in providing overall policy guidance for and supervision of OPS;

5. Recommends to the General Assembly that, instead of the merger proposed in Governing Council decision 93/42 of 18 June 1993, the Office for Project Services should become a separate and identifiable entity in a form that does not create a new agency and in partnership with the United Nations Development Programme and other operational entities, whose administrative support, including that relating to financial and personnel matters, will continue to be provided by UNDP and that the Office should continue to work through the UNDP field network;

6. Agrees in principle to the Secretary-General's proposal to establish, within existing resources, a Management Coordinating Committee for the Office for Project Services in order to address certain perceived conflicts of interest between the coordinating and implementing roles of the United Nations Development Programme, subject to consideration of a report to be prepared by the Administrator in consultation with the Under-Secretary-General for Administration and Management and the Under-Secretary-General for Development Support and Management Services, on its precise role and functions at its third regular session in 1994;

7. Endorses the Secretary-General's recommendation that the Committee would consist of:

Chairman: The Administrator of the United Nations Development Programme

Members: The Under-Secretary-General for Administration and Management

The Under-Secretary-General for Development Support and Management Services

Secretary: The Executive Director of the Office for Project Services;

8. Decides that, subject to paragraph 6 of the present decision, the Executive Director will report to the Secretary-General and the Executive Board through the Management Coordinating Committee;

9. Agrees also in principle to the Secretary-General's proposal to establish, within existing resources, an Office for Project Services Users Advisory Group, under the chairmanship of the Under-Secretary-General for Development Support and Management Services, with the responsibility of ensuring that the Office for Project Services is fully aware of the concerns of United Nations organizations and others who utilize its services and with the responsibility of making appropriate recommendations;

10. Requests the Executive Director of the Office for Project Services, in collaboration with the Administrator and subject to the approval of the recommendation in paragraph 5 above by the General Assembly, to report to the Executive Board no later than at its third regular session through the Advisory Committee on Administrative and Budgetary Questions on ways of establishing the Office for Project Services as a separate and identifiable entity and of increasing the transparency of its operations, including proposals concerning:

(a) The precise role and composition of the Office for Project Services Users Advisory Group;

(b) The establishment of a separate contracts committee;

(c) Any necessary revision of the financial and procurement rules of the United Nations Development Programme as they apply to the Office for Project Services in order to ensure the efficiency of the Office and to enable it to work in a businesslike manner;

(d) More transparent accounting procedures for the Office for Project Services, including improved auditing;

(e) The responsibility of the Office for Project Services in personnel matters;

(f) Ways of ensuring that the Office for Project Services perform implementation functions and that it operate on a self-financing basis.